



Testimony of Debora M. Bresch, Esq.
Senior Director, Government Relations, ASPCA
President, CT Votes for Animals

In Opposition to House Bill 5118 – an Act Concerning Certificates of Origin for Dogs Sold by Pet Shop Licensees

Joint Environment Committee
February 22, 2010

Senator Meyer, Representative Roy, and fellow Environment Committee members, thank you for this opportunity to express the **strong opposition of the ASPCA and CT Votes for Animals – and their thousands of Connecticut members – to House Bill 5118.**

Last year, our members successfully sought the passage of SB 499, which has come to be known in the animal community as the Puppy Mill Law. SB 499 was passed virtually unanimously in the legislature on June 3 (Senate: 33-3, House: 145-1), Governor Rell signed this legislation into law on July 8, 2009, and the law was effective as of July 1, 2009. The purpose of the Puppy Mill Law was to prevent the sale of puppy mill dogs in Connecticut and thereby protect both the dogs subject to trafficking by puppy mills – large-scale dog breeding concerns where profit is given priority over the well-being of the dogs – and also the public. That is, by increasing the financial risk to pet stores from selling sick puppy mill dogs, as well as requiring them to disseminate complete and accurate information regarding the puppies they sell, it was hoped that pet stores would be disinclined to sell puppy mill dogs.

The Puppy Mill Law's provisions pertaining to Certificates of Origin (COO) require that: (1) the name and address of every puppy's breeder and, where applicable, dealer, be included in the COO; (2) this information be posted conspicuously within 10 feet of the puppy being sold; (3) the COO be provided to the purchaser; and (4) the COO be filed with the Department of Agriculture within 2 days of a puppy's sale.

Now, only half a year after this legislation was enacted and became effective – and before, as is clear from the testimony of Karen Rasmussen and Adrien Zap, the pet stores have even come into compliance with the most basic requirement of posting the required breeder and dealer information – HB 5118 seeks to undo the fundamental humane, consumer, and public safety component of the Puppy Mill Law that requires the filing of the Certificate of Origin with the Department of Agriculture. Instead, pursuant to HB 5118, Connecticut pet stores would simply be allowed to keep Certificates of Origin on file for a year, viewable only by the Department of Agriculture. However, the filing requirement was included in the original legislation – which, again, was vigorously supported by the Connecticut public and overwhelmingly ratified by the Connecticut legislature – because public access to the information contained in these Certificates via the Freedom of Information Act (FOIA) was determined to be a crucial component in the effort to track – and hopefully, limit – the sale of puppy mill dogs in Connecticut.

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Indeed, not only has Westport Coalition Against Puppy Mills uncovered evidence that Connecticut pet stores licensed to sell dogs are not posting the required breeder and dealer information, let alone filing this information with the Department, although the Puppy Mill Law has been in effect over six months; it also appears to have uncovered violations of the Department of Agriculture's pet shop regulations – particularly as they concern the maintenance of the puppies' physical comfort and health (see below) – as well as perhaps, the Connecticut cruelty law, which equally imposes a duty to provide proper care and prevent injury:

Sec. 22-344-17a. Enclosures.

(c) Enclosures shall be designed and constructed as to provide adequate physical comfort to the animals. Each animal must be provided with sufficient space to turn about freely and easily stand, sit or lie in a comfortable natural position. Animals that are group housed must be maintained in compatible groups. No female dog or cat in season (estrus) shall be housed in the same primary enclosure with male animals except for breeding purposes.

Sec. 22-344-20a. Animal health.

(c) All dogs and cats received for resale shall be housed, separate from other dogs and cats on the premises for a minimum of 48 hours before being released to a purchaser. Each animal shall be observed daily by the licensee or his representative in order to recognize general symptoms of injury, illness or disease. Any dog or cat that exhibits symptoms of injury, illness or disease shall be isolated and treated as prescribed by a veterinarian. Any such dog or cat shall be verified by a veterinarian to be healthy before such dog or cat can be offered for sale.

Sec. 53-247. Cruelty to animals. Animals engaged in exhibition of fighting. Intentional injury or killing of police animals or dogs in volunteer canine search and rescue teams. (a) Any person...who, having impounded or confined any animal, fails to give such animal proper care or neglects to cage or restrain any such animal from doing injury to itself or to another animal or fails to supply any such animal with wholesome air, food and water....

However, despite such non-compliance, HB 5118 would allow the maintenance of the Certificates of Origin to revert to the pet stores and thereby cut out the public so crucial to the oversight process. As Supreme Court Justice Louis Brandeis said: "Sunshine is the best antiseptic." In the present case, it appears that this could be no less true.

Please oppose HB 5118, legislation that represents a significant step backward in Connecticut's efforts to prevent the sale of puppy mills dogs.